

BRIEFING NOTE

August 2016

Regional Joint Preparatory Meetings for CITES CoP 17 and CBD COP 13, COP/MOP 8 and COP/MOP 2

Briefing Note on matters to be addressed at the

Second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-Sharing (COP/MOP 2)

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Agenda Item 4: Report of the Compliance Committee (Article 30)

Relevant documents

UNEP/CBD/NP/COP-MOP/2/4 Report of the Compliance Committee

Background

Article 30 of the Nagoya Protocol required the Parties, at their first meeting, to consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of the Protocol and to address cases of non-compliance. Accordingly, the first meeting of the COP-MOP adopted such procedures and mechanisms in decision NP-1/4.

The decision also established a Compliance Committee and the Executive Secretary was requested to arrange for at least one meeting of the Compliance Committee to be held in the inter-sessional period, including for the purpose of: (a) developing rules of procedure; and (b) identifying and considering the need for and modalities of support, including possibly through a flexible mechanism to provide advice or assistance to Parties, in particular developing country Parties, and, where appropriate and applicable, indigenous and local communities, to address challenges related to compliance with the provisions of the Nagoya Protocol, with a view to making effective use of the compliance mechanism.

The first meeting of the Committee was held in April 2016 and the report of the meeting will be presented to COP-MOP 2 for its consideration.

Key aspects for consideration at COP-MOP

Annex II of the report of the first meeting of the Compliance Committee contains the recommendations of the Committee to COP-MOP 2 including to:

- Approve the rules of procedure for meetings of the Compliance Committee;
- Decide that the Compliance Committee shall reassess the need for and modalities of support as provided for in paragraph 2(b) of decision NP-1/4 at a future meeting in light of the experience gained by the Committee;
- Encourage Parties to make available information to the ABS Clearing-House in accordance with the obligations in Article 14(2) of the Protocol;
- Underline the importance of timely submission of the interim national reports and encourage Parties to include information in their interim national reports on difficulties and challenges related to implementation of the Protocol;
- Recommend that the Conference of the Parties, in adopting its guidance to the financial mechanism, invite the Global Environment Facility to provide funding for eligible Parties for the preparation of their interim national reports.

These last two points – addressing the importance of the timely submission of the interim national reports and the need for funding to support eligible Parties in the preparation of their interim national reports – are closely related to the agenda item on ‘Assessment and review of the effectiveness of the Protocol (Article 31)’.

COP-MOP 2 will also need to elect members to the Compliance Committee in order to replace the five members, i.e. one from each of the five regions, whose terms will expire at the end of 2016.

Agenda Item 5.1: Review of progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol

Relevant documents

UNEP/CBD/NP/COP-MOP/2/2 Update on progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization

UNEP/CBD/NP/COP-MOP/1/INF/1 Information made available on developments related to ratification and implementation of the Nagoya Protocol

Background

Item 5 of the agenda for the COP-MOP2 addresses the report of the Subsidiary Body on Implementation and includes three sub-items. The first of these sub-items is:

- 5.1: Review of progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol

Aichi Biodiversity Target 16 provides that “by 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.”

The Nagoya Protocol entered into force on 12 October 2014, and, as of 25 July 2016, 78 Parties to the Convention had deposited their instruments of ratification, acceptance, approval or accession to the Protocol. The first part of Target 16 has therefore been successfully achieved. Countries are encouraged to ratify as soon as possible prior to COP-MOP 2 in order to participate in the decision-making process at this meeting.

With respect to the second part of Target 16, the Nagoya Protocol, to be operational, requires effective implementation at the national level. Parties to the Protocol need to:

- (a) Revise legislative, administrative or policy measures on ABS already in place or develop new measures in order to meet the obligations set out under the Protocol;
- (b) Establish relevant institutional structures, including the designation of a national focal point on access and benefit-sharing, one or more competent national authorities, and one or more checkpoints; and
- (c) Make relevant information available to the ABS Clearing-House.

As part of the review of progress in implementation, the first meeting of the Subsidiary Body on Implementation (SBI) had before it a note by the Executive Secretary on progress made in the achievement of Aichi Biodiversity Target 16.

The SBI considered the note and agreed to recommendation 1/2 (as contained in the report of the first meeting of SBI, document UNEP/CBD/SBI/1/14). The recommendation included:

- (a) A draft decision for consideration by the COP-MOP at its second meeting (paragraph 4);
- (b) A draft decision for consideration of the Conference of the Parties (COP) at its thirteenth meeting under agenda (paragraph 5);
- (c) A request to the Executive Secretary to update the document prepared on progress towards Aichi Biodiversity Target 16 on the Nagoya Protocol to reflect any additional

developments related to ratification and implementation of the Protocol, on the basis of information received from Parties and non-Parties to the Protocol as well as information made available to the Access and Benefit-sharing Clearing-House, and to make the document available for the information of the COP and the COP-MOP (paragraph 2).

- (d) An invitation to Parties and non-Parties to the Nagoya Protocol to provide the Secretariat with information regarding any additional developments related to ratification and implementation of the Protocol, as appropriate, in time for its inclusion in the revised document (paragraph 3).

Against this background a notification was sent to Parties and non-Parties in June 2016 (2016-070, <https://www.cbd.int/doc/notifications/2016/ntf-2016-070-abs-en.pdf>) inviting the submission of information. Information made available to the Secretariat through an official letter or through the ABS Clearing-House by 15 August 2016, at the latest, will be reflected in the updated version of the report.

For assistance in making information available in the ABS Clearing-House, please contact absch@cbd.int.

Key aspects for consideration at COP-MOP

The COP-MOP may wish to take into account the additional developments related to ratification and implementation of the Protocol when considering the draft decision recommended by SBI, which:

- Urges Parties to take further steps towards the effective implementation of the Nagoya Protocol and to make all relevant information available to the ABS Clearing-House,
- Reiterates the need for capacity-building and development activities in accordance with the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol,
- Invites Parties and other Governments to implement the International Treaty on Plant Genetic Resources for Food and Agriculture and the Nagoya Protocol in a mutually supportive manner.

Agenda Item 5.2: Modus operandi of the Subsidiary Body on Implementation

Relevant documents

UNEP/CBD/COP/13/6 Report of the Subsidiary Body on Implementation on its First Meeting

- Recommendation 1/9: Modus operandi of the Subsidiary Body on Implementation

Background

Item 5 of the agenda for COP-MOP 2 addresses the report of the Subsidiary Body on Implementation and includes three sub-items. The second of these sub-items is:

- 5.2: Modus operandi of the Subsidiary Body on Implementation

At its twelfth meeting, in decision XII/26, the Conference of the Parties to the CBD established the Subsidiary Body on Implementation (SBI). In decision NP-1/11, paragraph 1, the COP-MOP decided that SBI will also serve the Nagoya Protocol and agreed that the terms of reference of the SBI should apply, *mutatis mutandis*, to the functions of the SBI when serving the Nagoya Protocol.

The first meeting of the SBI was held in Montreal in May 2016. One of the items on the agenda of the SBI was consideration of its *modus operandi*. In recommendation 1/9, SBI recommended that COP adopt the *modus operandi* of the SBI as contained in the annex to the recommendation.

In paragraph 6 of recommendation 1/9, SBI also recommended that the COP-MOP to the Nagoya Protocol endorse the *modus operandi* of SBI as adopted by the COP and decide that the *modus operandi* of the SBI should apply, *mutatis mutandis*, when the SBI serves the Nagoya Protocol.

Key aspects for consideration at COP-MOP

The annex to SBI recommendation 1/9 contains the draft *modus operandi* of SBI, which addresses the functions, areas of work, procedural matters, focal points and documentation for SBI. The text of the *modus operandi* is clean – it contains no square brackets and was agreed upon by the Parties at SBI. It is expected that the *modus operandi* will be adopted in its current form by COP-13 and so the Nagoya Protocol COP-MOP should be able to adopt the draft decision recommended by SBI in paragraph 6 of recommendation 1/9.

Agenda Item 5.3: Integration among the Convention and its Protocols

Relevant documents

UNEP/CBD/COP/13/6 Report of the Subsidiary Body on Implementation on its First Meeting

- Recommendation 1/11: Enhancing integration among the Convention and its Protocols and the organization of meetings

Background

Item 5 of the agenda for COP-MOP 2 addresses the report of the Subsidiary Body on Implementation and includes three sub-items. The third of these sub-items is:

- 5.3: Integration among the Convention and its Protocols

In paragraph 3 of decision XII/27 of the CBD COP as well as paragraph 1 of decision NP-1/12 of the Nagoya Protocol COP-MOP (and paragraph 1 of decision BS-VII/9 of the Biosafety Protocol COP-MOP), the Parties decided to hold future ordinary meetings within a two-week period that includes the CBD COP as well as the COP-MOPs of the two Protocols.

Furthermore, it was also decided to review experience with concurrent meetings and SBI was requested to develop criteria for such a review.

In paragraph 9 of its recommendation 1/11, SBI recommended a draft decision for consideration by COP-MOP on the criteria to be used for the review of experience with the holding of concurrent meetings. These criteria are also proposed to the COP and the Biosafety Protocol COP-MOP.

The draft decision also includes a paragraph calling on developed country Parties to increase their contributions in order to ensure the full and effective participation of representatives of developing country Parties and Parties with economies in transition in the concurrent meetings.

Key aspects for consideration at COP-MOP

As contained in the draft decision in paragraph 9 of recommendation 1/11, the criteria to be used for review of experience with the holding of concurrent meetings are:

- (a) Full and effective participation of representatives from developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, in the meetings of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;
- (b) Effective development of outcomes of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol;
- (c) Increased integration among the Convention and its Protocols;
- (d) Cost-effectiveness;
- (e) Number of Parties reporting improved consultations, coordination and synergies among their national focal points for the Convention and the Protocols;
- (f) Evaluation by the host Governments of the logistical and technical burdens of the concurrent meetings they hosted.

As mentioned above, the draft decision also includes a paragraph calling on developed country Parties to increase their contributions in order to ensure the full and effective participation of representatives of developing country Parties and Parties with economies in transition in the concurrent meetings. Adequate representation in the concurrent meetings will be key to ensuring that the COP and COP-MOPs remain bodies that reflect the range of views of the Parties to the different instruments.

Agenda Item 6: Access and Benefit-sharing Clearing-House and information sharing (Article 14)

Relevant documents

UNEP/CBD/NP/COP-MOP/2/3

Report on progress on the implementation and operation of the Access and Benefit-sharing Clearing-House

UNEP/CBD/NP/COP-MOP/1/INF/2	Summary of Outcomes of the First Meeting of the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House
UNEP/CBD/NP/COP-MOP/1/INF/3	Summary of Outcomes of the Second Meeting of the Informal Advisory Committee to the Access and Benefit-sharing Clearing-House

Background

The Access and Benefit-sharing Clearing-House (ABS Clearing-House, <https://absch.cbd.int/>) is a platform for exchanging information on access and benefit-sharing established by Article 14 of the Protocol, as part of clearing-house mechanism under Article 18, paragraph 3 of the Convention. Parties to the Nagoya Protocol are to publish in the ABS Clearing-House the following information:

- Legislative, administrative and policy measures on access and benefit-sharing;
- Information on the national focal point and competent national authority or authorities (CNA); and
- Permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent (PIC) and of the establishment of mutually agreed terms (MAT).

The ABS Clearing-House is a key tool for facilitating the implementation of the Nagoya Protocol, by enhancing legal certainty and transparency on procedures for access, and for monitoring the utilization of genetic resources along the value chain, including through the internationally recognized certificate of compliance. By providing relevant information on ABS, the ABS Clearing-House facilitates the connection between users and providers of genetic resources and associated traditional knowledge, and thus, promotes ABS opportunities.

The first meeting of the Parties to the Nagoya Protocol adopted decision NP-1/2 on the Access and Benefit-sharing Clearing-House, which included adoption of its modalities of operation (annex to the decision).

The first meeting of the Parties also decided to establish an informal advisory committee to assist the Executive Secretary with the implementation of the ABS Clearing-House and to provide technical guidance with respect to the resolution of technical and practical issues arising from its ongoing development (NP-1/2, para 2). The informal advisory committee held two meetings: from 28 to 30 October 2015 and from 20 to 22 June 2016, in Montreal, Canada. In accordance with paragraph 3 of the same decision, the outcomes of the work of the committee are made available as information documents UNEP/CBD/NP/COP-MOP/2/INF/2 and UNEP/CBD/NP/COP-MOP/2/INF/3.

The decision also requested the Executive Secretary to, among other things, implement the ABS Clearing-House, in line with available resources, and in accordance with the modalities of operation and feedback received, in particular from Parties (NP-1/2, paragraph 7).

The meeting will have before it a report by the Executive Secretary (UNEP/CBD/NP/COP-MOP/2/2) on progress on the implementation and operation of the Access and Benefit-sharing Clearing-House, including:

- Progress made in:
 - the central portal and databases of the ABS Clearing-House;
 - enhancing integration of the ABS Clearing-House as part of the CBD clearing-house mechanism;
 - providing common formats for submitting information to the ABS Clearing House;
 - populating the ABS Clearing-House and providing timely technical assistance;
 - promoting the use of the ABS Clearing-House for supporting capacity-building for the implementation of the Protocol (NP-1/2, para. 12);
 - making the ABS Clearing-House operational in the six official languages of the United Nations; and
 - facilitating the exchange of information with other databases or systems.
- Progress made on issues related to the internationally recognized certificate of compliance (IRCC) and checkpoint communiqué (CPC);
- Collaboration with relevant instruments and organizations for the exchange of relevant data (NP-1/2, para. 13);
- Proposals for further refining the modalities of operation of the ABS Clearing-House (NP-1/2, para. 5) and regarding intervals to review its implementation and operation (NP-1/2, para. 6);
- Priorities for future implementation and administration of the ABS Clearing-House;
- Information on operational costs, including funding and additional resource requirements (NP-1/2, para. 13).

Further information about the ABS Clearing-House can be found at <https://absch.cbd.int/about>. For more information or technical support, you can contact the ABS Clearing-House team at: absch@cbd.int

Key aspects for consideration at COP-MOP

COP-MOP will be invited to:

- Consider progress made on the issues mentioned above and proposed priorities for future implementation and administration of the ABS Clearing-House, including operational costs;
- Decide on possible intersessional activities to support the implementation of the ABS Clearing-House, including the convening of a meeting of the informal advisory committee;
- Decide on the way forward for refining the modalities of operation of the ABS Clearing-House and the intervals to review its implementation.

Agenda Item 7: Financial mechanism and resources (Article 25)

Relevant documents

UNEP/CBD/NP/COP-MOP/2/5 Matters related to the financial mechanism

Background

Article 25 of the Nagoya Protocol provides that the financial mechanism of the Convention – which is the Global Environment Facility (GEF) – is also the financial mechanism for the Protocol. Furthermore, paragraph 3 of the Article provides that the Nagoya Protocol COP-MOP provides guidance to the financial mechanism for consideration by the Conference of the Parties. This means that guidance to the GEF on matters related to the Nagoya Protocol is first adopted by the COP-MOP and then is forwarded to COP to be included in the overall guidance to be submitted to the GEF.

COP-MOP 1 adopted decision NP-1/6 on matters related to the financial mechanism, including a recommendation to the COP on guidance to the GEF with respect to access and benefit-sharing. The COP considered the recommendation and incorporated it in its overall guidance to the GEF as contained in decision XII/30. The guidance requested the GEF to:

- (a) Support activities contained in the guidance to the GEF in decision XI/5, annex, appendix 1;
- (b) Make financial resources available, with a view to assisting eligible Parties in preparing their national reports;
- (c) Support activities related to implementing the awareness-raising strategy for early action on Article 21 of the Protocol.

In paragraph 11 of decision XII/30, the COP also decided that COP-13 would undertake a determination of funding requirements for the implementation of the Convention and its Protocols in anticipation of the seventh replenishment of the GEF. An annex to the decision included terms of reference for this work.

Decision NP-1/6 also requested the Executive Secretary to submit the chapter on access and benefit-sharing of the report of the Council of the GEF to COP-MOP 2 in time for its consideration and appropriate action.

Resource mobilization

At COP-MOP 1, the Parties adopted decision NP-1/7 on resource mobilization. The decision called for the submission of information on experiences related to resource mobilization and the status of funds mobilized and requested the Executive Secretary to prepare a document on this basis for consideration by the next COP-MOP. The requested information is to be submitted by Parties through their interim national reports, which are due 12 months prior to, and will be considered by COP-MOP 3. Accordingly, the synthesis of experiences and overview of the status and trends in funding will be made available for COP-MOP 3.

Key aspects for consideration at COP-MOP

Under this item, the COP-MOP will consider a note by the Executive Secretary on matters related to the financial mechanism. The document will:

- Take into account the chapter on access and benefit-sharing contained in the report of the Council of the GEF to COP-13 regarding the implementation of the guidance received; and
- highlight the funding requirements for the implementation of the Nagoya Protocol in anticipation of the seventh replenishment of the GEF Trust Fund.

The COP-MOP will be invited to consider the information provided in the note by the Executive Secretary as well as any elements of guidance to the GEF arising under other items and take a decision.

Agenda Item 8: Cooperation with other international organizations, conventions and initiatives

Relevant documents

UNEP/CBD/NP/COP-MOP/2/6 Cooperation with other international organizations, conventions and initiatives

Background

A number of other international organizations, conventions and initiatives are engaged in work on access to genetic resources and benefit-sharing and the Nagoya Protocol. Under this item, the COP-MOP will have a document summarizing relevant cooperative activities undertaken in the 2015-2016 biennium. The meeting may also wish to hear statements from relevant organizations.

Key aspects for consideration at COP-MOP

The COP-MOP will be invited to take note of the information.

Agenda Item 9: Report of the Executive Secretary on the administration of the Protocol and on budgetary matters

Relevant documents

UNEP/CBD/NP/COP-MOP/2/7 Note by the Executive Secretary on the administration of the Convention and its Protocols

UNEP/CBD/NP/COP-MOP/2/7/Add.1 Note by the Executive Secretary on budgetary matters

UNEP/CBD/NP/COP-MOP/2/7/Add.2 Final report of the in-depth Functional Review of the Secretariat

Background

At COP-MOP 1, in decision NP-1/13, the Parties to the Nagoya Protocol adopted a budget for the Nagoya Protocol work programme for the biennium 2015-2016 and for the distinct costs of Secretariat services to carry out the activities in the work programme.

The decision also requested the Executive Secretary to prepare different budget scenarios to be submitted to COP-MOP 2. These scenarios are to include proposals on a *pro rata* division between the Convention and its two Protocols of the shared operative costs following discussions on the implementation of the functional review of the Secretariat.

In its decision XII/32, the COP requested the Executive Secretary to submit the final report of the in-depth functional review of the Secretariat for discussion at the first meeting of the Subsidiary Body on Implementation (SBI). The COP also noted that the proportionate division between the Convention and its Protocols would need to be reconsidered for the 2017-2018 budget following implementation of the functional review of the Secretariat. At its first meeting, SBI requested the Executive Secretary to prepare for the consideration of COP-13 and the COP-MOPs of the two Protocols a proposal for the review of the manner in which the costs of the core budgets of the Secretariat are shared among the Convention, the Cartagena Protocol and the Nagoya Protocol in order to develop cost scenarios in the light of the functional review of the Secretariat, including the increased integration of work and proportional to the number of Parties to the respective instruments and their respective contributions.

With respect to the voluntary budget for activities, SBI called on Parties in a position to do so and on a voluntary basis to prepare for COP-13, COP-MOP 8 of the Cartagena Protocol and COP-MOP 2 of the Nagoya Protocol on the basis of information to be provided in advance by the Secretariat, with a view to making, during those meetings, pledges of financial support for voluntary activities envisaged in the draft decisions of the meetings, in order to assist the Secretariat in planning more effectively and utilizing resources more efficiently.

Finally, regarding the participation of Parties in meetings, SBI requested the Executive Secretary to prepare for the consideration of COP-13 and the COP-MOPs of the two Protocols a proposal for the review and updating of the guidelines for the apportionment of funds for the participation of developing country Parties as well as countries with economies in transition in the meetings of the Convention and the Protocols with a view to promoting full and effective participation in the concurrent meetings of the COP and COP-MOPs and meetings of subsidiary bodies.

Key aspects for consideration at COP-MOP

Each of the three documents to be prepared for this agenda item, as listed above, will cover the three instruments – the Convention, the Biosafety Protocol and the Nagoya Protocol. It is expected that a single contact group on the budget will be established that will consider the budgets of the three instruments.

Agenda Item 10: Measures to assist in capacity-building and capacity development (Article 22)

Relevant documents

UNEP/CBD/NP/COP-MOP/2/8	Report on progress on implementation of the strategic framework for capacity-building and development to support the effective implementation of the Protocol
UNEP/CBD/NP/COP-MOP/1/INF/4	Summary of Outcomes of the First Meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol
UNEP/CBD/NP/COP-MOP/1/INF/5	Summary of Outcomes of the Second Meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol

Background

Article 22 of the Nagoya Protocol provides that Parties shall cooperate in the capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement the Protocol in developing country Parties and Parties with economies in transition. In doing so, Parties are required to fully take into account the needs of developing country Parties and Parties with economies in transition for financial resources and facilitate the involvement of indigenous and local communities and relevant stakeholders.

In this context, COP-MOP 1 adopted a strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol (decision NP-1/8) and requested the Executive Secretary to take a number of actions to facilitate its implementation. The COP-MOP also established an informal advisory committee on capacity-building to provide the Executive Secretary with advice on matters of relevance to the assessment of the effectiveness of the strategic framework. The informal advisory committee held two meetings during the intersessional period: from 15 to 17 September 2015 and 15 to 17 June 2016.

The documents

The pre-sessional document (UNEP/CBD/NP/COP-MOP/2/6) for this item will provide:

- An update on the status of implementation of the capacity-building strategic framework and its contribution to the achievement of Aichi Target 16 of the Strategic Plan for Biodiversity 2011 – 2020, taking into account the information made available by Parties and relevant organizations to the Secretariat and the Access and Benefit sharing Clearing-House.
- An update on capacity-building activities carried out by the Secretariat in collaboration with partner organizations to promote and facilitate the implementation of the strategic framework;
- An overview of existing capacity-building resources ;
- Emerging experiences, good practices and lessons learned from ABS capacity-building initiatives based on information gathered from organizations involved in such initiatives.

Reports of the first and second meetings of the informal advisory committee on capacity-building, held in September 2015 and June 2016, will be made available as information documents.

Key aspects for consideration at COP-MOP

Under this agenda item, it is expected that COP-MOP 2 will:

- Take note of the progress in the implementation of the capacity-building and development strategic framework
- Provide additional guidance as needed.

Agenda Item 11: Measures to raise awareness of the importance of genetic resources and associated traditional knowledge (Article 22)**Relevant documents**

UNEP/CBD/NP/COP-MOP/2/9 Report on progress on implementation of the awareness-raising strategy for the Nagoya Protocol on Access and Benefit-sharing

Background

Article 21 of the Nagoya Protocol provides that Parties shall take measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues.

At COP-MOP 1, in decision NP-1/9 Parties adopted an awareness-raising strategy which aims at providing a systematic and coherent approach to assist Parties in the implementation of Article 21. The strategy outlines that it is important that awareness-raising activities respond to the specific needs and contexts of each Party; therefore, the strategy is country-driven. However, in order to assist Parties in the implementation of the strategy, the Secretariat has been tasked to carry-out a series of supporting actions.

The document reports on progress made on the implementation of the awareness-raising strategy during the 2015-2016 biennium. In particular, it provides an update of the work carried out by the Secretariat to support awareness-raising for the Nagoya Protocol by Parties through the creation of a toolkit containing methodologies, templates and descriptive materials for training communicators and for the development of national awareness-raising strategies, materials and tools. The toolkit to support awareness-raising for the Nagoya Protocol will be part of the improved and updated Communication, Education and Public Awareness toolkit.

Key aspects for consideration at COP-MOP

COP-MOP may wish to take note of the report on implementation of the awareness-raising strategy and provide additional guidance as needed.

**Agenda Item 12: The need for and modalities of a global multilateral benefit-sharing mechanism
(Article 10)**

Relevant documents

UNEP/CBD/NP/COP-MOP/2/10 Report of the Expert Group Meeting on Article 10 of the Nagoya Protocol on Access and Benefit-sharing

Background

Article 10 of the Nagoya Protocol requires Parties to “consider the need for and modalities of a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. The benefits shared by users of genetic resources and traditional knowledge associated with genetic resources through this mechanism shall be used to support the conservation of biological diversity and the sustainable use of its components globally.”

At their first meeting, the Parties to the Nagoya Protocol adopted decision NP-1/10, which, among other things, requested the Executive Secretary to convene a meeting of a regionally balanced expert group. The expert group meeting was held in February 2016 and the report of the meeting will be available to COP-MOP 2 for its consideration.

Key aspects for consideration at COP-MOP

Paragraph 41 of the report of the expert group meeting contains a number of conclusions and possible next steps for consideration by COP-MOP 2 as follows:

- (a) To recall the sovereign right of States over their genetic resources and accordingly, that the bilateral approach to ABS should be followed wherever possible and any potential global multilateral benefit-sharing mechanism would have a narrow application;
- (b) To note that there is insufficient information and experience to determine whether or not there is a need for a global multilateral benefit-sharing mechanism and that further experience is needed with implementation of the Nagoya Protocol;
- (c) To welcome relevant developments under other international processes and organizations, such as the United Nations General Assembly, the International Treaty on Plant Genetic Resources for Food and Agriculture, the Commission on Genetic Resources for Food and Agriculture, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the World Health Organization and the Antarctic Treaty System;
- (d) To request the Executive Secretary to make information available on developments in relevant international processes and organizations with a view to informing future discussions on Article 10;
- (e) To request the Executive Secretary to synthesize information provided through the interim national reports and the Access and Benefit-sharing Clearing-House of relevance to Article 10;
- (f) To recognize that there is limited information available on implementation of the provisions of the Protocol related to traditional knowledge associated with genetic resources and to invite

Parties to pay particular attention to providing such information when preparing and submitting their interim national reports;

- (g) To remind Parties of their obligation to make available to the Access and Benefit-sharing Clearing-House all mandatory information in accordance with the Nagoya Protocol;
- (h) To request the Executive Secretary to commission a study on ABS practices and experiences in different ex situ collections (e.g. national and international, public and private), located in different regions and for various types of genetic resources (e.g. plant, animal, microorganisms). The study could also examine the demand for genetic resources held by ex situ collections for which it may not be possible to grant or obtain PIC;
- (i) To recognize that many situations in which it is not possible to grant or obtain prior informed consent may be addressed through capacity-building for Parties and indigenous and local communities and to highlight the need for continued support in line with the Strategic Framework for Capacity-Building and Development to Support the Effective Implementation of the Nagoya Protocol on Access and Benefit-Sharing.

Paragraphs (e) and (h) are probably of most interest for the next steps in moving forward the discussions on Article 10.

Paragraph (e) arose from discussions in the expert group on experience with the implementation of Article 11 – transboundary cooperation. It is expected that additional information on experience with Article 11 will be provided through the interim national reports on implementation of the Nagoya Protocol which are due to be submitted towards the end of 2017. Preparing a synthesis of relevant information in the interim national reports could provide relevant information for consideration in the context of Article 10.

Paragraph (h) arose from recognition during the expert group meeting that there is a lack of information on the ABS practices of ex situ collections. It was also felt that further information on the demand for genetic resources found in ex situ collections and for which it was not possible to grant or obtain PIC for genetic resources would be useful. The experts agreed that a study would be useful for providing background information on how ex situ collections operate with a view to building common understanding and informing further discussions in the context of Article 10.

Agenda Item 13: Assessment and review of the effectiveness of the Protocol (Article 31)

Relevant documents

UNEP/CBD/NP/COP-MOP/2/11 Assessment and review of the effectiveness of the Protocol

Background

Article 31 of the Nagoya Protocol requires the Conference of the Parties serving as the meeting of the Parties (COP-MOP) to the Protocol to undertake, four years after the entry into force of the Protocol and thereafter at intervals determined by the COP-MOP, an evaluation of the effectiveness of the Protocol.

The Protocol entered into force in October 2014 so the four-year anniversary of entry into force will be in October 2018. It is expected that the third meeting of the COP-MOP will be convened in the third or

fourth quarter of 2018 and this meeting would be required to undertake the evaluation of the effectiveness of the Protocol pursuant to Article 31.

Key aspects for consideration at COP-MOP

This item has been included on the agenda for COP-MOP 2 to allow the meeting to provide guidance on the methodology and way forward for conducting the first evaluation of the effectiveness of the Protocol that will be undertaken at COP-MOP 3.

Assessment and review is a new item for consideration by the COP-MOP so it may require more discussion during the meeting than other topics that are more familiar to the Parties.
